

Tuesday, September 22, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Consent Agenda – Review and Approval:

1-18. This is set time for consideration of the Consent Agenda.

Chairperson Arnold: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to reappoint John King, Mike Hanchett, and Laila Fiege-Lollmann to the San Luis Obispo County (CBID) Advisory Board for a four year term. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Request to approve the FY 2015-16 Fish and Game project listing as recommended by the Fish and Game Fines Committee. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Agricultural Commissioner Items:

4. Submittal of a resolution amending the Position Allocation List for Fund Center 141 – Agricultural Commissioner by deleting a vacant 0.5 FTE Department Automation Specialist position and adding a 1.0 FTE Administrative Assistant position to more effectively provide support services to the Agricultural Commissioner’s department and the public at large. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-246, adopted.

Consent Agenda - Airports Items:

5. Request to approve a new 40 year lease agreement (Clerk's File) totaling \$36,576 annually in each of the first two years and increasing to \$50,000 in year three, with Aviation Consultants, Inc. (ACI) to redevelop the former American Eagle Maintenance Facility (Site "L") at the San Luis Obispo County Regional Airport and lease out excess space to other sub-lessees. District 3.

Mr. Andrew Robillard: speaks.

Mr. Kevin Bumen – Airport Director: presents the Clerk's File Statement for the record.

This item is amended to include the Clerk's File Statement. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

6. Submittal of a Brown Armstrong, CPAs Independent Auditor's Report on the County Treasury's cash balance and accountability as of June 30, 2015. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

7. Submittal of a resolution recognizing September 2015 as "National Recovery Month." All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-247, adopted.

8. Request to re-appoint Bruce Jackson to the Cayucos-Morro Bay Public Cemetery District. District 2.

The Board approves as recommended by the County Administrative Officer.

9. Request to re-appoint Robert J. Heald to the Cambria Public Cemetery District. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

10. Submittal of a resolution proclaiming September 22, 2015, as National Voter Registration Day. All Districts.

Mr. Tommy Gong - County Clerk-Recorder: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-248, adopted.

Consent Agenda - Parks & Recreation Items:

11. Request to approve a nine-year contract starting in FY 2015-16 with Golden State Golf Company for the management of the golf shop and food and beverage operations at Dairy Creek Golf Course. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

12. Submittal of a resolution accepting an Avigation Easement from Greengate Farms Edna Valley, LLC, a California Limited Liability Company, for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-249, adopted.

13. Request to approve Amendment No. 4B to the contract with Marine Research Specialists to complete work related to the new Health Risk Assessment Model, biological information, and additional meetings and hearings for the Phillips 66 Rail Spur project Development Plan/Coastal Development Permit, increasing the current contract by \$204,214. District 4.

Mr. Eric Greening and Ms. Ryan Hostetter – Department of Planning and Building: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

14. Submittal of right of way documents accepting conveyance from Douglas and Diana Tharalson for the Cypress Mountain Drive at Klau Creek Bridge Replacement Project. District 1.

The Board approves as recommended by the County Administrative Officer.

15. Submittal of right of way documents accepting conveyance from Susan Fowler; and from Julia A. Eddings, Joshua J. Eddings and Sarah E. Eddings, for the CSA 10A Cayucos Water Tank Replacement Project, Cayucos. District 2.

The Board approves as recommended by the County Administrative Officer.

16. Request approval of Parcel Map CO 10-0115, a proposed subdivision resulting in 2 lots, by Stephen G. Silberstein Family Trust which has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map and act on the attached resolution to accept the offer of dedication for road right of way purposes, Verde Canyon Rd., rural Arroyo Grande. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-250, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

17. Request to approve a Residence Use Permit for a District owned residence located at the Lopez Water Treatment Plant in Arroyo Grande. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

18. Submittal of a resolution formally designating the San Luis Obispo County Workforce Investment Board and its members as the Workforce Development Board and request to approve bylaws for the Workforce Development Board of San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-251, adopted.

Public Comment Period:

19. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Ms. Vi Matlin - Concerned Citizens of Avila: addresses the need to update the Avila Beach Area Plan.

Mr. Eric Greening: thanks Supervisor Hill for comments at a recent Division of Oil, Gas, and

Geothermal Resources (DOGGR) meeting; and addresses DOGGR's proposed waiver of the Clean Water Act.

Mr. Ben DiFatta: comments on incomplete construction work in Los Osos; and oil by rail issues.

Dr. C. Hite: reviews information she received from the County regarding financial assistance for lateral connections and decommissioning septic tanks to senior and disabled residents for the Los Osos Wastewater Project (LOWWP).

Ms. Julie Tacker (document): highlights various concerns regarding a Los Osos Groundwater Basin Litigation Notice of Hearing involving the Los Osos Community Services District versus Golden State Water Company, et al.

Ms. Cindy Steinbeck (transcript): addresses a quiet title court hearing on August 28, 2015 and the confusion regarding the tentative ruling on defining basin boundaries.

Ms. Linde Owen: discusses various financial concerns regarding the LOWWP.

Mr. George Sullivan: comments on local control and issues regarding water in Santa Margarita.

Mr. Richard Margetson: discusses a circulated “petition” that counted as qualified protests to a water rate increase hearing concerning Santa Margarita.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): addresses the quiet title action for the Paso Basin and asks that the Board explain the public interest to defend this matter, with Ms. Rita Neal - County Counsel responding. **No action taken.**

Board Business:

20.
- An update on State Legislative activities by Paul Yoder and Karen Lange, Shaw/Yoder/Antwih, Inc. and Peterson Consulting, Inc. All Districts.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening: speaks.

Chairperson Arnold: discloses that she registered her support to the Governor regarding Senate Bill (SB) 377 and Assembly Bill (AB) 35.

On motion by Chairperson Debbie Arnold, seconded by Supervisor Adam Hill, to agendize a discussion on Senate Bill (SB) 377 and Assembly Bill (AB) 35 at the next meeting, is discussed.

Chairperson Arnold: opens the floor to public comment without response.

The Board agendizes a discussion regarding SB 377 and AB 35 on Tuesday, October 6, 2015.

Motion by: Debbie Arnold

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Presentation:

25.
- Submittal of resolutions recognizing three County employees for 30 or 35 years of service. All Districts.

Mr. Eric Burt – Health Agency: receives his employee service award, with Mr. Jeff Hamm – Health Agency Director speaking to his history with the County.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-252, a resolution commending Eric Burt in recognition of thirty five years of service with San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson
Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

- 21.** Submittal of a report summarizing an analysis of Assisted Outpatient Treatment (also known as “Laura’s Law”) in San Luis Obispo County. All Districts.

Chairperson Arnold: opens the floor to public comment.

Sheriff-Coroner Ian Parkinson; District Attorney Dan Dow; Ms. Sophie Treder; Mr. Eric Greening; and Ms. Susan Warren: speak.

On motion by Supervisor Lynn Compton, seconded by Supervisor Adam Hill, to receive and file the report and direct staff to agendize a discussion to provide more information on this matter, including cost estimates and the implementation of a pilot program, is discussed.

The matter is fully discussed. The motion maker clarifies the motion, with the second concurring.

The Board receives and files the report regarding the analysis of implementing an Assisted Outpatient Treatment Program, also known as Laura’s Law, pursuant to State regulations, and directs staff to develop a pilot program on Laura's Law, including a more specific funding mechanism and resource and cost analysis.

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

- 22.** The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is

the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) Los Osos Community Services District v. Golden State Water Company, et al.; (4) Mesa Community Alliance v. California Dept. of Parks and Recreation, et al. (5) Save Adelaida, et al. v. County of San Luis Obispo, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (6) San Luis Obispo Government Attorney’s Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel’s Association (DCCA); (9) Sheriffs’ Management; (10) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (11) Deputy Sheriff’s Association (DSA); (12) District Attorney Investigators’ Association (DAIA); (13) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Chairperson Arnold: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations

- 23.** Presentation from SLO Regional Rideshare and acknowledgement of "Rideshare" month in October. All Districts.

Mr. Peter Williamson - SLO Rideshare Employer Outreach Coordinator (powerpoint): speaks.

Chairperson Arnold: opens the floor to public comment without response.

The Board receives the presentation from SLO Rideshare. **No action taken.**

- 24.** Submittal of a resolution recognizing Opera San Luis Obispo's (OperaSLO) 30th Anniversary. All Districts.

Mr. Brian Alhadeff – OperaSLO Artistic Director and Conductor: speaks.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-253, a resolution recognizing Opera San Luis Obispo’s 30th Anniversary in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

- 25.** Submittal of resolutions recognizing three County employees for 30 or 35 years of service. All Districts, is brought back.

Ms. Shawn (August) Retzer– Sheriff’s Department: receives her employee service award, with Sheriff-Coroner Ian Parkinson speaking to her history with the County.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-254, a resolution commending Shawn Retzer in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Ms. Debra Hernandez – Sheriff’s Department: receives her employee service award, with Under Sheriff-Coroner Tim Olivas speaking to her history with the County.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-255, a resolution commending Debra Hernandez in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

26. Request to authorize the County Public Works Director to approve and execute a Consent to One-Time Extension of Time under Article 9 Paragraph (C) of the Lopez Water Supply Contracts on behalf of County Service Area 12 (CSA 12-Avila Area). District 3.

Chairperson Arnold: opens the floor to public comment without response.

The Board of Supervisors acting on behalf of County Service Area 12, authorizes the County Public Works Director to approve and execute a Consent to One-Time Extension of Time Under Article 9 Paragraph (C) of the Lopez Water Supply Contracts affirming that the County has no objection to the San Luis Obispo County Flood Control and Water Conservation District’s one-time extension of the period of time within which the Lopez Water Supply Contractors can request an amendment to their water delivery schedules for Water Year 2014-2015.

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business - Public Works - Board Sitting as Flood Control District

27. Submittal of resolution granting a One-Time Extension of time for Lopez Water Contractors and State Water Contractors to submit proposed amendments to their water delivery schedules for Water Year

2014-2015 and authorizing the Director of Public Works to amend the delivery schedules consistent with the submitted written requests for proposed amendments; and Declaration of Surplus Water; and Receive an Update on the Status of the Low Reservoir Response Plan for Zone 3 of the San Luis Obispo County Flood Control and Water Conservation District (Lopez Project). Districts 3 and 4.

Chairperson Arnold: opens the floor to public comment.

Mr. Paavo Ogren: speaks.

The Board acting as the San Luis Obispo County Flood Control and Water Conservation District: 1) RESOLUTION NO. 2015-256, a resolution granting a one-time extension of time for Lopez Water Contractors and State Water Contractors to submit proposed amendments to their water delivery schedules for Water Year 2014-2015 and authorizing the Director of Public Works to amend the delivery schedules consistent with the submitted written requests for proposed amendments, adopted; 2) declares surplus water as described in Article 4, Sections (C) and (D) of the Lopez Water Supply Contracts, in an amount of 1626 acre feet; and 3) receives an update on the status of the Zone 3 Low Reservoir Response Plan (LRRP) adopted by your Board on December 16, 2014.

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings:

- 28.** Hearing to consider a resolution conditionally vacating a portion of K Street, County Road No. 6023 between 12th Street and 13th Street, in support of the San Miguel Park Expansion Project in the community of San Miguel. District 1.

Chairperson Arnold: opens the floor to public comment.

Mr. Anthony Kalvans – San Miguel Community Services District (CSD): speaks.

The Board: 1) RESOLUTION NO. 2015-257, a resolution conditionally vacating portion of K Street, County Road No. 6023, between 12th Street and 13th Street in the community of San Miguel, Supervisorial District No. 1, adopted; and 2) directs the Clerk to record a certified copy of said resolution upon Board approval, by consent, of the satisfaction of Conditions for Vacating K Street listed in Exhibit “B” of the resolution attached thereto at a later date prior to December 31, 2017.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

- 29.** Hearing to consider amendments to the Building and Construction Ordinance, Title 19 of the County Code, to add new Chapter 9 entitled “Solar” which adds provisions for expedited permitting procedures for small residential rooftop solar energy systems. Exempt from CEQA. All Districts.

Chairperson Arnold: opens the floor to public comment without response.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only

and **ORDINANCE NO. 3301**, an ordinance of the County of San Luis Obispo adding new Chapter 9: Solar to Title 19 of the San Luis Obispo County Code related to expedited permitting procedures for small residential rooftop solar energy systems, adopted. Furthermore, the Board approves the proposed General Rule Exemption in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

30. Request to authorize processing of a Specific Plan and Official Map Amendment (LRP2014-00025 – Monarch Dunes LLC), to amend the Woodlands Specific Plan and rezone a 4.57 acre site from Commercial Service to Commercial Retail, to allow for the development of an assisted living complex or other uses compatible with the Woodlands Village Center located in the Woodlands Village in the South County Inland subarea of the South County Planning Area. District 4.

Chairperson Arnold: opens the floor to public comment.

Mr. Andrew Daymude – Trilogy Monarch Dunes: speaks.

The Board reviews the proposed amendment to the Woodlands Specific Plan and the Official Maps—Part IV of the Land Use and Circulation Elements (LUCE) and authorizes the application for processing, including project referrals, draft amendments and public hearings, as requested in the staff report and, as further recommended by staff in their presentation that would allow the process to consider reducing the size of the resort or other Specific Plan features and not solely .

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, September 22, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: October 9, 2015